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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michel Pairet *et al.*

Examiner: Mojdeh Bahar

Serial No.: 10/086,145

Group Art Unit: 1617

Filed: October 19, 2001

Docket: 1/1174US

For: PHARMACEUTICAL COMPOSITIONS BASED ON ANTICHOLINERGICS AND CORTICOSTEROIDS

Assistant Commissioner for Patents  
Washington DC 20231

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is filed in response to the Office Action dated October 2, 2002. In that Office Action, a one month shortened statutory period was set for response, and this Reply is therefore timely. If it is determined, however, that any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Reply, authorization is hereby given to charge such fees to Deposit Account No. 02-2955. In addition, applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

In the Office Action dated October 2, 2002, the Examiner imposed a restriction requirement in the instant application. The Examiner alleged that the claims of the instant application include two independent and distinct inventions as follows:

- Group I: claims 1 to 58 and 61 to 66, drawn to a pharmaceutical composition, capsule, and kit comprising an anticholinergic agent and a steroid; and
- Group II: claims 59 and 60, drawn to a method of treating an inflammatory or obstructive respiratory disease employing a composition comprising an anticholinergic agent and a steroid.

In response to that restriction requirement, applicants hereby elect without traverse to prosecute in this application the subject matter of Group I, claims 1 to 58 and 61 to 66.

Applicants also elect species in the elected group for examination purposes wherein the anticholinergic agent is tiotropium salts and the steroid is beclomethasone.

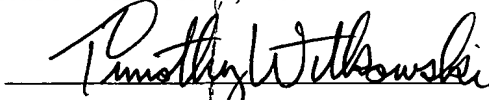
As Group I is directed to a composition and Group II is directed to a method of using the composition, applicants request rejoinder of the nonelected claims of Group II at the time the claims of Group I are found allowable in accordance with the practice of the Office. *See* M.P.E.P. § 821.04.

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on October 16, 2002.

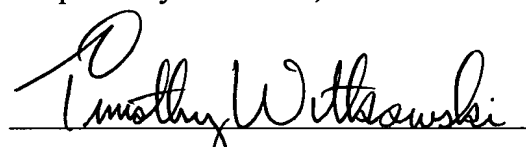


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10-16-2002

Dated

Respectfully submitted,



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